

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MACLEAN et al
(National Phase PCT/GB95/01791)

Atty. Ref.: 117-231

Serial No. (To Be Assigned)

Group:

Filed: 28 January 1997

Examiner:

For: TREATMENT OF CANCER USING HSV MUTANT

January 28, 1997

Honorable Commissioner of Patents
and Trademarks
Washington, DC 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

As suggested by 37 C.F.R. 1.97, the undersigned attorney brings to the attention of the Patent and Trademark Office the references listed on the attached form PTO-1449, a copy of each of which is enclosed. This is not to be construed as a representation that a search has been made or that no better prior art exists, or that a reference is relevant merely because cited.

The Examiner is requested to initial the attached form PTO-1449 and to return a copy of the initialed document to the undersigned as an indication that the attached references have been considered and made of record.

Also enclosed are additional documents in the form of literature articles which may be pertinent to the claims of this application.

Official citation and consideration of all the attached documents is requested. Please return to the undersigned a copy of the attached PTO-1449 with the examiner's initials in the left column [MPEP §609] with the next communication.

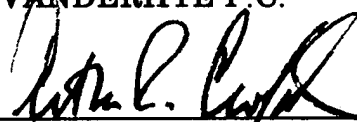
I hereby certify that each item of information contained herein was cited in a communication from a foreign patent office in a counterpart foreign application not more than 3 months from the filing date of this statement [see 37 C.F.R. § 1.97(e) (2)].

The filing of an Information Disclosure Statement shall not be construed as a representation that a search has been made [37 C.F.R. § 1.97(g)], an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists. Further, the filing of an Information Disclosure Statement shall not be construed as an admission against interest in any manner [Commissioner's Notice of January 9, 1992, 1135 O.G. 12-25 at 25].

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY. DOCKET NO.

117-231

SERIAL NO.

(To Be Assigned)

APPLICANT

MACLEAN et al

FILING DATE

28 January 1997

GROUP

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|-----------------|----------|------------------|-------|----------|-------------------------------|
| See ↓ | 4,859,587 | 08/22/89 | ROIZMAN, Bernard | | | |
| | 5,328,688 | 07/12/94 | ROIZMAN, Bernard | | | |
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FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION YES NO |
|----------|-----------------|----------|---------|-------|----------|-----------------------|
| See ↓ | WO 92/13943 | 08/20/92 | EPO | | | |
| | WO 92/04050 | 03/19/92 | USA | | | |
| | WO 93/19591 | 10/14/93 | USA | | | |
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, etc.)

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|-----|--|
| See | NEUROSURGERY, Vol. 32, NO. 4, April 1993; pp 597-603; MARKERT et al; 'Reduction and Elimination of Encephalitis in an Experimental Glioma Therapy Model with Attenuated Herpes Simplex Mutants that Retain et al' |
| | SCIENCE, Vol. 250, 1990; pp 1262-1266; CHOU et al; 'Mapping of Herpes Simplex Virus-1 Neurovirulence to γ _{34.5} , a Gene Nonessential for Growth in Culture' |
| | VIROL 70, (1989), pp 705-716; TAHA et al; 'A Variant of Herpes Simplex Virus Type 2 Strain HG52 with a 1.5 kb Deletion in R ₁ between 0 to 0.02 and 0.81 to 0.83 Map Units Is Non-neurovirulent for Mice' |
| | GENE THERAPY 1, 1994, PP 323-331; BOVIATIS et al; 'Antitumor activity and reporter gene transfer into rat brain neoplasms inoculated with herpes simplex virus vectors defective in thymidine kinase or et al' |
| | VIROL. 69, 1988, PP 1531-1574; McGEOCH et al; 'The Complete DNA Sequence of the Long Unique Region in the Genome of Herpes Simplex Virus Type 1' |
| | NAT. ACAD. SCI. USA; Vol 86, pp 4736-4740; COEN et al; 'Thymidine kinase-negative herpes simplex virus mutants establish latency in mouse trigeminal ganglia but do not reactivate' |
| | SCIENCE 252; 1991, PP 854-856; MARTUZA et al; 'Experimental Therapy of Human Glioma by Means of a Genetically Engineered Virus Mutant' |
| ↓ | |

*Examiner

Date Considered

3/8/98

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-FB-A820 (Also PTO-1449)